

MARIA ELLENA CHAVEZ-RUARK, U.S. BANKRUPTCY JUDGE

Evidentiary Hearing: YES
Exhibits Filed: YES

PROCEEDING MEMO – CHAPTER 11

Case: 24-13609-MCR
Smokecraft Clarendon, LLC

Date: 06/09/2025 at 10:00 a.m.

Appearances: Maurice Belmont VerStandig, counsel for Debtor
Angela L. Shortall, Subchapter V Trustee (by videoconference)
Courtney L. Morgan, Office of the United States Trustee

Also present: Andrew Darneille, representative of Debtor
Hopewell Darneille, equity holder of Debtor

[130] Third Amended Chapter 11 Plan Filed by Smokecraft Clarendon, LLC (related document(s)89 Amended Chapter 11 Plan filed by Debtor Smokecraft Clarendon, LLC). (Attachments: # 1 Exhibit A - Projections # 2 Exhibit B - Schedule of Creditor Classes # 3 Exhibit C - Payment Schedule # 4 Exhibit D - Pre-Confirmation Amortization of Secured Claim of Capital Bank National Association # 5 Redline Comparison Copy)

[136] Tally of Ballots on behalf of Smokecraft Clarendon, LLC Filed by Maurice Belmont VerStandig.

[139] Affidavit Re: *Declaration of Andrew Darneille in Support of Plan Confirmation* Filed by Maurice Belmont VerStandig (related document(s)130 Amended Chapter 11 Plan filed by Debtor Smokecraft Clarendon, LLC, 136 Tally of Ballots filed by Debtor Smokecraft Clarendon, LLC).

COMMENTS: The Court took judicial notice of the record in this case and admitted Debtor's Exhibits 1-3 filed at Dkt. No. 140.

The Debtor's counsel proffered the testimony of the Debtor's representative, Andrew Darneille.

There are no written objections to the plan. Only one vote was cast – by Andrew Darnielle. With his vote, Class 3 voted to accept. Classes 1 and 5 are unimpaired and deemed to accept. Classes 2 and 4 did not vote on the plan.

The Court found that all requirements of Sections 1123, 1129, and 1190 were met.

The plan is a non-consensual plan confirmed under Section 1191(b), and the Debtor will receive a discharge after the completion of all plan payments under Section 1192.

Counsel for the Debtor will draft an order that:

- States the plan is confirmed for the reasons set forth on the record at the hearing;
- States in the title and in the body of the order that the plan is confirmed non-consensually under Section 1191(b) as required by Local Bankruptcy Rule 3016-3;
- States that the Debtor will receive a discharge as soon as practicable after completion by the Debtor of all payments due under the plan as set forth in Section 1192;
- States that the Debtor will file a notice of substantial consummation within 14 days of substantial consummation as set forth in Local Bankruptcy Rule 3022-1(a);
- States that the Debtor will file regular post-confirmation progress reports every six months as set forth in Local Bankruptcy Rule 3022-1(a);
- States that the Debtor will file a notice of occurrence of the effective date promptly upon occurrence of the effective date; and
- States that fee applications must be filed no later than 30 days after substantial consummation.

Counsel for the Debtor will obtain the signatures of the UST and Sub V Trustee evidencing their consent as to the form of the order and then upload the order for the Court's consideration.

DISPOSITION: Plan confirmed. Debtor to upload an order.